



1 without regard to the amount in controversy,” and 28 U.S.C. § 1331, which grants this court  
2 original jurisdiction of all civil actions arising under the laws of the United States.

3 3. Defendant regularly conducts business in the State of New Jersey therefore  
4 personal jurisdiction is established.

5 4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

6 **PARTIES**

7 5. Plaintiff is a natural person residing in Ventnor, New Jersey 08406.

8 6. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

9 7. In the alternative, Plaintiff is a person granted a cause of action under the  
10 FDCPA. See 15 U.S.C. §1692k(a) and Wenrich v. Cole, 2000 U.S. Dist. LEXIS 18687 (E.D.  
11 Pa. Dec. 22, 2000).

12 8. Defendant is a limited liability corporation with its principal place of business  
13 located at 135 Interstate Boulevard, Unit Number 6, Greenville, South Carolina 29615.

14 9. Upon information and belief, Defendant is a corporation that provides call  
15 center, collections, insurance and debt purchase services to companies in the United States.

16 10. At all times material hereto, Defendant acted as a “debt collector” within the  
17 meaning of 15 U.S.C. § 1692(a)(6), and attempted to collect a “debt” as defined by 15 U.S.C. §  
18 1692(a)(5).  
19

20 11. Defendant acted through its agents, employees, officers, members, directors,  
21 heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

22 **FACTUAL ALLEGATIONS**

23 12. At all times material hereto, Defendant contacted Plaintiff in an attempt to  
24 collect a consumer debt.  
25

1           13.     Upon information provided and belief, Defendant was mistakenly attempting to  
2 collect a debt from Plaintiff that he never incurred.

3           14.     Beginning on or around May 2013, Defendant's collectors repeatedly and  
4 continuously placed harassing telephone calls to Plaintiff's home telephone number in order to  
5 collect an alleged debt.

6           15.     Defendant's harassing collection calls originated from numbers including, but  
7 not limited to, (877) 821-1658 and (267) 546-5789. The undersigned has confirmed that these  
8 numbers belongs to Defendant.

9           16.     Defendant often called Plaintiff's home asking for a person named Maria Rivera.

10           17.     At all times material hereto, Plaintiff advised Defendant that there was no person  
11 by the name of Maria Rivera that lived at his residence. Plaintiff also demanded that Defendant  
12 stop calling him.

13           18.     Despite Plaintiff's demand not to be contacted, Defendant's calls persisted.

14           19.     Once Defendant was informed that the Plaintiff was not the debtor and that its  
15 calls were unwanted and unwarranted, there was no purpose for making additional calls, other  
16 than harassment.  
17

18           20.     Finally, within five days of its initial communication with Plaintiff, Defendant  
19 failed to send written notification of his rights to dispute the debt and/or to request verification  
20 of the debt, as well as the name of the original creditor and the amount of the debt.

21           21.     Defendant took the actions described above with the intent to harass, deceive and  
22 coerce payment from Plaintiff.  
23  
24  
25

**COUNT I**  
**DEFENDANT VIOLATED § 1692d OF THE FDCPA**

22. A debt collector violates § 1692d by engaging in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.

23. Defendant violated § 1692d of the FDCPA when it placed repeated harassing calls to Plaintiff; when it continued to call Plaintiff after it was aware that he was not the alleged debtor; and when it engaged in other harassing, oppressive, or abusive conduct.

**COUNT II**  
**DEFENDANT VIOLATED § 1692d(5) OF THE FDCPA**

24. A debt collector violates § 1692d(5) by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

25. Defendant violated § 1692d(5) when it placed repeated and continuous harassing telephone calls to Plaintiff's home telephone; and, when it continued to call Plaintiff after it was aware that he was not the alleged debtor.

**COUNT III**  
**DEFENDANT VIOLATED § 1692f OF THE FDCPA**

26. A debt collector violates § 1692f by using unfair or unconscionable means to collect or attempt to collect any debt.

1           27. Defendant violated § 1692f when it disregarded Plaintiff pleas to stop calling  
2 him, as he was not the debtor it was seeking; and, generally, when it used unfair and  
3 unconscionable means to collect the alleged debt.

4  
5                                   **COUNT IV**  
6                                   **DEFENDANT VIOLATED § 1692g(a) OF THE FDCPA**

7           28. A debt collector violates § 1692g(a) if within five days after the initial  
8 communication with a consumer, the debt collector fails to send the consumer a written notice  
9 containing (1) the amount of the debt; (2) the name of the creditor to whom the debt is owed;  
10 (3) a statement that unless the consumer, within thirty days after receipt of the notice, disputes  
11 the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt  
12 collector; (4) a statement that if the consumer notifies the debt collector in writing within the  
13 thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain  
14 verification of the debt or a copy of a judgment against the consumer and a copy of such  
15 verification or judgment will be mailed to the consumer by the debt collector; and (5) a  
16 statement that, upon the consumer's written request within the thirty-day period, the debt  
17 collector will provide the consumer with the name and address of the original creditor, if  
18 different from the current creditor.

19           29. Defendant violated § 1692g(a) when it failed to send written notification, within  
20 five (5) days after its initial communication with Plaintiff, advising him of his rights to dispute  
21 the debt or request verification of the debt.  
22

23  
24           WHEREFORE, Plaintiff, TALBOT BAUM, respectfully prays for judgment as follows:

25           a. All actual damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);

- 1           b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to  
2           15 U.S.C. § 1692k(a)(2)(A);  
3           c. All reasonable attorneys' fees, witness fees, court costs and other litigation  
4           costs, pursuant to 15 U.S.C. § 1693k(a)(3);  
5           e. Any other relief deemed fair and proper by this Honorable Court.

6  
7                                   **DEMAND FOR JURY TRIAL**

8           PLEASE TAKE NOTICE that Plaintiff, TALBOT BAUM, demands a jury trial in this  
9 case.

10  
11                                   **CERTIFICATION PURSUANT TO L.CIV.R.11.2**

12           I hereby certify pursuant to Local Civil Rule 11.2 that this matter in controversy is not  
13 subject to any other action pending in any court, arbitration or administrative proceeding.

14  
15  
16           Dated: May 9, 2014

RESPECTFULLY SUBMITTED,

17           KIMMEL & SILVERMAN, P.C.

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